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RCE/11600
PTO/SB/30 (05-03)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/890,088
Filing Date	July 26, 2001
First Named Inventor	Alessandro LAMBIASE
Art Unit	1615
Examiner Name	L. Di Nola Baron
Attorney Docket Number	C036226/0125733

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Certificate of Express Mail, Postcard

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4467

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ \$475 & \$385 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Charles M. Avigliano	Registration No. (Attorney / Agent)	52,578
Signature	<i>Charles M. Avigliano</i>	Date	11/20/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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PATENT

Docket No.: C036226/0125733

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Alessandro Lambiase

Serial No.: 09/890,088

Filed: July 26, 2001

For: **USE OF NERVE GROWTH FACTOR FOR
THERAPY OF INTRAOCULAR TISSUE
PATHOLOGIES**

Examiner: L. Di Nola Baron

Art Unit: 1615

November 20, 2003

SUBMISSION UNDER 37 CFR § 1.114: RESPONSE TO FINAL OFFICE ACTION
INCLUDING AMENDMENT AND
PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Final Office Action mailed May 20, 2003. This Response is being filed concurrently with a Request for Continued Examination (RCE), and satisfies the requirement to file a "submission" under 37 CFR §§ 1.114(a) & (c). A three-month extension of time to respond to the Office Action is hereby requested. Accordingly, this response is filed timely upon mailing, with an executed certificate of express mailing, on or before November 20, 2003. 37 CFR §§ 1.10 and 1.136.

11/24/2003 JBALINAN 00000049 09890088

01 FC:2252

475.00 OP

RS1110746

Application No.: 09/890,088
Amendment Dated: November 20, 2003
Reply to Office Action Dated: May 20, 2003

Enclosed are checks in the amounts of \$385.00 and \$475.00 to cover the fee for the RCE and petition for extension of time, respectively. 37 CFR § 1.17. Please charge any fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

AMENDMENTS TO THE SPECIFICATION: none.

AMENDMENTS TO THE CLAIMS: begin on page 3.

AMENDMENTS TO THE DRAWINGS: none.

REMARKS begin on page 7 of this paper.